

## UPDATED INFORMATIVE DIGEST

Existing law in the California Community Care Facilities Act requires the California Department of Social Services (CDSS) to license and regulate community care facilities, including those that care for foster children. In addition, Welfare and Institutions (W&I) Code section 16001.9 affords 27 personal rights to minors and nonminors in foster care.

Currently, statute and regulations require foster parents to complete 12 hours of initial preplacement training and eight hours of annual training. These proposed regulations establish an additional training topic to be covered during the initial and annual training pursuant to Assembly Bill (AB) 1856, Chapter 639, Statutes of 2012. These regulations will require training or instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual and transgender (LGBT) youth.

The W&I Code section 16001.9 now accords foster children the right to have a caregiver that has received instruction in cultural competency with regards to LGBT youth and best practices in caring for this population. As this is now a personal right accorded to all foster children, all foster caregivers must receive instruction in this area. Additionally, Senate Bill (SB) 528, Chapter 338, Statutes of 2013 added another personal right for all foster children, which is to have access to age appropriate, medically accurate information regarding reproductive health at 12 years of age or older, as specified. Lastly, SB 731, Chapter 805, Statutes of 2015 added the personal right of being placed in out-of-home care according to a child's gender identity, regardless of the sex or gender listed on the court or child welfare documents. The SB 731 requires the department to adopt regulations consistent with this provision.

Proposed regulations have been developed to incorporate the provisions of AB 1856, SB 528 and SB 731 by amending the training, personal rights and bedroom sharing sections of Group Home, Foster Family Home, Certified Family Home, Transitional Housing Placement Program and Small Family Home regulations.

Proposed regulations allow foster youth of the opposite sex, but the same gender identity, to share a bedroom and require that in any bedroom sharing arrangement a licensee document that the arrangement ensures the health, safety and compatibility of the children. Furthermore, a revision of each facility category's personal rights section was completed to update and provide a consistent application of personal rights in each child's residential facility.

During the process of developing these regulations and amendments, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

### Post-hearing changes:

The regulations were noticed on August 12, 2016. Only non-substantive changes were made to the regulations text.